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PTO/SB/122 (06-03)

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### Application

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P.O. Box 1450

Alexandria, VA 22313-1450

Application Number

10/621,359

Filing Date

July 18, 2003

First Named Inventor

Graham et al.

Art Unit

1761

Examiner Name

Unknown

Attorney Docket Number

112701-591

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Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).



Attorney or Agent of record. Registration Number

30,142



Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number

Typed or Printed  
Name

Robert M. Barrett

Signature

Date

March 17, 2005

Telephone

312-807-4204

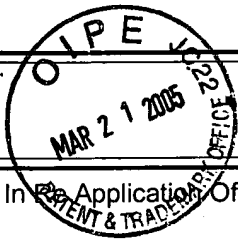
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\*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL LETTER  
(General - Patent Pending)**

Docket No.  
112701-591

In Re Application Of: **Graham et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/621,359	July 18, 2003	Unknown	29157	1761	2563

Title:

**CREAMY FOODSTUFF AND METHOD FOR PRODUCTION THEREOF**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

**Change of Correspondence Address (1 page) (duplicate);  
Power of Attorney to Prosecute Applications Before the USPTO (1 page) (duplicate);  
Statement Under 37 CFR 3.73(b) (1 page) (duplicate); and  
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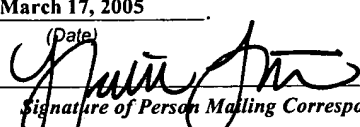
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- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818**  
as described below.
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- WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

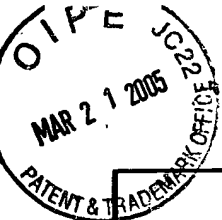
*Signature*

Dated: **March 17, 2005**

**Robert M. Barrett (30,142)  
Bell, Boyd & Lloyd LLC  
P.O. Box 1135  
Chicago, IL 60690-1135**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <b>March 17, 2005</b>	
(Date)	
Signature of Person Mailing Correspondence	
<b>Heather Foster</b>	
Typed or Printed Name of Person Mailing Correspondence	

CC:



### STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Nestec S.A.

Application No./Patent No.: 10/621,359

Filed/Issue Date: July 18, 2003

Entitled: **CREAMY FOODSTUFF AND METHOD FOR PRODUCTION THEREOF**

Nestec S.A.

, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 015191, Frame 0199, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

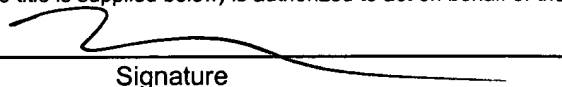
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

  
Signature

Robert M. Barrett  
Printed or Typed Name

Attorney of Record

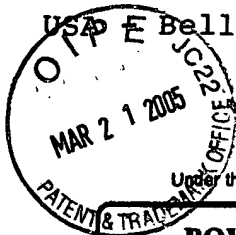
Title

March 17, 2005

Date

312-807-4204

Telephone number



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I hereby appoint:

☒ Practitioners associated with the Customer Number:

29157

OR

☐ Practitioner(s) named below (If more than ten patent practitioners are to be named, then a customer number must be used):

Name	Registration Number

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

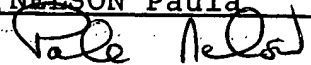
Assignee Name and Address:

Nestec S.A.  
Avenue Nestlé 55  
CH-1800 Vevey  
Switzerland

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

### SIGNATURE of Assignee of Record

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name	NELSON Paula		
Signature		Date	12 JAN. 2005
Title	Vice President	Telephone	

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